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Letter dated 5 May 2000 from the Permanent Representative of Algeria to the United Nations addressed to the President of the Security Council

I have the honour to transmit to you herewith the communiqué issued by Mr. Abdelaziz Bouteflika, current Chairman of the Organization of African Unity (OAU), concerning the proximity talks on the conflict between Ethiopia and Eritrea which have just adjourned in Algiers (see annex).

I should be grateful if you would have this letter and its annex distributed to the members of the Security Council as a document of the Council.

(*Signed*) Abdallah **Baali**
Ambassador
Permanent Representative

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Annex to the letter dated 5 May 2000 from the Permanent Representative of Algeria to the United Nations addressed to the President of the Security Council

Communiqué issued by the office of the current Chairman of OAU concerning the indirect talks between Ethiopia and Eritrea held in Algiers

1. At the invitation of His Excellency Mr. Abdelaziz Bouteflika, President of the People's Democratic Republic of Algeria and current Chairman of OAU, indirect talks were held in Algiers from 29 April to 5 May 2000, with the participation of the delegations of Ethiopia and Eritrea, headed by their respective Ministers for Foreign Affairs, Mr. Seyoum Mesfin and Mr. Haile Woldensae.

2. The indirect talks were led by Mr. Ahmed Ouyahia, Special Envoy of the current Chairman, with the participation of Mr. Djinit, Assistant Secretary-General of OAU. This peace effort also had the support on the United States of America, represented by a delegation comprising Ms. Susan Rice, Assistant Secretary of State for African Affairs, and Mr. Anthony Lake, former National Security Advisor, and of the European Union, through Ambassador Melani, assistant to Mr. Serri, its Special Representative, who subsequently joined the talks in person.

3. The aim of the indirect talks held at Algiers was to enable the two parties to reach an agreement on "consolidated technical arrangements" which would lead to the implementation of the plan for the peaceful settlement of the conflict between Ethiopia and Eritrea, as contained in the Framework Agreement and the Modalities accepted by the two parties and endorsed by the OAU Summit held in Algiers last July.

4. In this connection, it is useful to start by recapitulating the various developments in the OAU peace effort since the holding of the thirty-fifth OAU Summit in Algiers last July.

A. On his first stay in the region, from 22 to 25 July 1999, the Special Envoy of the current Chairman of OAU appealed to the two parties to sign the Framework Agreement and the Modalities and thus to move on to their implementation.

However, Ethiopia responded that the signing could take place only after the details of the implementation process had been finalized. It requested OAU to work out those details and to submit them to the two parties as a non-negotiable document.

Eritrea, which wanted to proceed immediately with the signing of the Framework Agreement and the Modalities, did not raise objections to the prior submission of the final details by OAU. It also agreed that the document in question should be regarded as non-negotiable.

B. In early August 1999, OAU, with the assistance of the United Nations (which was to support the implementation of the peace plan), drafted a document entitled "Technical Arrangements" containing the requested details. These Technical Arrangements were presented to the two parties by the Special Envoy of the current Chairman of OAU between 5 and 10 August 1999.

Eritrea officially announced its acceptance of the Technical Arrangements. Ethiopia, for its part, raised objections to certain points which it felt differed from the content of the Framework Agreement and the Modalities; it also requested clarification of those points.

C. The clarifications requested by Ethiopia were drafted by OAU, again with the assistance of the United Nations. During a further visit to the region in late August, the Special Envoy of the current Chairman of OAU presented these clarifications to Ethiopia and also communicated them to Eritrea. Ethiopia stated that this response was not entirely satisfactory and requested time to reflect.

D. A further visit to the region by the Special Envoy of the current Chairman of OAU in late October failed to advance the situation. However, Ethiopia was asked to put its views on the Technical Arrangements in writing so that OAU could consider them. Eritrea was informed of this situation.

E. In late November, Ethiopia sent OAU a memorandum containing its views on the Technical Arrangements. OAU then held talks with Ethiopia to

determine what vision of those Arrangements would be acceptable to it. That vision was set forth in a preparatory document referred to as a "non-paper".

F. Between 24 February and 4 March 2000, the Special Envoy of the current Chairman of OAU again visited the region.

On that occasion, he noted that the content of the non-paper reflected accurately the views acceptable to Ethiopia and informed that party that he was going to ask Eritrea to agree to take part in further talks leading to mutually acceptable "consolidated technical arrangements".

This proposal was presented to Eritrea which, after lengthy discussions, agreed in principle to take part in proximity talks.

Ethiopia also agreed in principle to take part in proximity talks.

This latest progress in the peace process was announced in the communiqué issued by OAU on 5 March 2000, which also noted the existence of points of convergence between the parties on the content of the Technical Arrangements and announced that the purpose of proximity talks was to resolve points of disagreement.

The points of convergence between the parties noted by OAU included the following:

(a) Confirmation of acceptance of the Framework Agreement and the Modalities and of the fact that the consolidated technical arrangements should reflect the content of those two documents, which had been endorsed by the OAU Summit in Algiers;

(b) The fact that any interpretation of the Framework Agreement and the Modalities must be the sole responsibility of OAU;

(c) The commitments which the two parties will make once they have arrived at a cessation of hostilities (cessation of all land, air or sea attacks, cessation of any other action likely to hinder the implementation of the peace plan, guarantees of freedom of movement and protection of international military observers, respect for the rules of international humanitarian law);

(d) The agreement of the two parties to entrust to a neutral commission the task of verifying the territories from which each of the parties will have to withdraw its forces and where each party will restore its civilian administration as part of the process of returning to the situation prevailing on 6 May 1998, in accordance with the Modalities (agreement has still to be reached on other aspects of this process);

(e) Once implementation has begun, the necessary time-frames for the redeployment of troops and the restoration of the civilian administration as provided for in the Modalities;

(f) The fact that neither the verification of territories nor the redeployment of troops nor the restoration of the civilian administration will prejudge the final status of the territories concerned; that status will be determined in the context of the delimitation of the international border between the two countries;

(g) The procedures which will have to guide the delimitation and demarcation of the international border by the United Nations Cartographic Unit (whose work will be conducted impartially and transparently), as well as the procedures for setting up the arbitration mechanism which will have to settle any disputes related to this operation. The same applies to the recognized right of each party to submit to the Cartographic Unit any information in its possession, including documents and oral statements, and the right to comment on the results of the Unit's work.

5. As can be seen from this recapitulation, the aim of the indirect talks held in Algiers was to help the two parties arrive at consolidated technical arrangements, starting from positions acceptable to each of them; for Eritrea, such positions are those set forth in the Technical Arrangements while, for Ethiopia, they are those set forth in the non-paper.

6. The indirect talks were also to start with major points of convergence between the parties. Lastly, as with any peaceful settlement requiring the agreement of the two parties, the aim of the talks was to enable the parties to reach agreement on consolidated technical arrangements or else to give OAU an opportunity to help them identify acceptable compromises which are consistent with the terms of the Framework Agreement and the Modalities, which remain the basic elements of the settlement plan.

7. Unfortunately, these substantive talks could not take place because Eritrea called for the prior signing of the Framework Agreement, the Modalities and a

ceasefire agreement, while Ethiopia maintained its July 1999 position, namely, that those documents could not be signed until the technical arrangements had been finalized. All the efforts made by the Special Envoy of the current Chairman of OAU, with the support of the representatives of the United States and the European Union, failed to soften the positions of either Ethiopia or Eritrea. As a result, the indirect talks had to be adjourned after a week of efforts.

8. At the final meetings held on 5 May with each of the two delegations, the Special Envoy of the current Chairman of OAU conveyed to them the profound concern of OAU at this latest impasse.

He requested the delegation of Ethiopia and the delegation of Eritrea to transmit to their highest national authorities the urgent appeal of the current Chairman of OAU, on behalf of all Africa, to show restraint, to re-evaluate their position in the light of the current impasse and, lastly, to agree to send their delegations at a later date for indirect talks which would tackle the substance of the remaining problems, in other words, finalize consolidated technical arrangements consistent with the Framework Agreement and the Modalities and thus permit the implementation of the peace plan endorsed by OAU and the United Nations with a view to the peaceful definitive settlement of the fratricidal conflict between the two countries.

The Special Envoy of the current Chairman of OAU also reminded the two parties that OAU, the United Nations and the partners supporting the peace process have undertaken to monitor closely and to uphold the faithful implementation of the plan for the settlement of the conflict between Ethiopia and Eritrea.

This same appeal and undertaking were reiterated to each of the parties by the United States delegation and the European Union delegation, which were in Algiers to support the efforts of OAU.

9. On behalf of His Excellency Mr. Abdelaziz Bouteflika, President of the People's Democratic Republic of Algeria and current Chairman of OAU, his Special Envoy expressed his sincere thanks to the representatives of the United States and the European Union for all the support which they continue to extend to the peace efforts made by OAU with a view to the peaceful settlement of the conflict between Ethiopia and Eritrea.

Algiers, 5 May 2000